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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/587,097	06/02/2000	Mark Lavergne	3165A-000010	6167
7590 10/06/2005			EXAMINER	
Harness Dickey & Pierce PLC			TODD, GREGORY G	
P O Box 828			ART UNIT	
Bloomfield Hills, MI 48303			PAPER NUMBER	
			2157	

DATE MAILED: 10/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/587,097

Applicant(s)

LAVERGNE ET AL

Examiner

Gregory G. Todd

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 July 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

*RD*

## **DETAILED ACTION**

### ***Response to Amendment***

1. This is a fourth office action in response to applicant's amendment and request for continued examination filed, 19 July 2005, of application filed, with the above serial number, on 02 June 2000 in which claims 1, 12, and 23 have been amended. Claims 1-28 are therefore pending in the application.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 6, 7, 17, 18, 23-24, 26, and 27 recite the limitation "said state information". There is insufficient antecedent basis for this limitation in the claim. There are now multiple variations of state information (operating, dynamic, static) in claim 23.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 1-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Collins et al (hereinafter "Collins", 6,553,418) in view of Fowler et al (hereinafter "Fowler", 6,714,977).

Collins teaches the invention substantially as claimed including a method and system for monitoring and managing a power system over a network (see abstract).

As per Claim 1, Collins discloses a remote user interface system to enable a remote browser application to monitor and control a power system of the type having one or more rectifier subsystems, one or more reserve power subsystems and one or more power distribution subsystems, wherein Collins discloses:

a monitor and control system coupled to said power system for obtaining operating state information from at least one of said subsystems and for providing operating state information to at least one of said subsystems (monitoring station) (at least col. 7, lines 19-34);

a data storage system associated with said monitor and control system for storing said state information (database) (at least Fig. 3); and

a user interface manager capable of accessing said data storage system and being operative to:

(a) an applet generating a user interface within said browser application for monitoring (internet browser interface) (at least col. 7 line 64 - col. 8 line 9);

(b) supply selected state information to said applet for display by said remote browser within said user interface (monitoring station browser) (at least col. 7, lines 19-34); and

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(c) receive data values generated by said applet in response to user interaction via said user interface and to communicate said data values to said data storage system (data presented by database presented in graphical or tabular form) (at least col. 7, lines 35-62),

wherein said remote browser displays adjustable static state information within said user interface when dynamic state information that is affected by said static state information is selected in response to said user interaction (eg. real-time graphical data) (at least col. 7 line 35 - col. 8 lines 31).

Collins fails to disclose, explicitly, the use of an executable applet to carry out the functions of the present invention including adjusting settings and thresholds of at least one of said subsystems. However, the use and advantages for using such an applet is well known to one skilled in the art at the time the invention was made as evidenced by the teachings of Fowler. Fowler discloses the use of Java for processing real time environmental conditions as well as users managing such systems via setting parameters and thresholds using an web-page interface (at least col. 7, lines 7-25; col. 10, lines 50-59; col. 13, lines 50-64; col. 14, lines 28-38; col. 15, lines 43-54; col. 16, lines 57-64). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of an executable applet such as Java for adjusting settings and thresholds within Collins' browser as this is a standard and commonly known application for a corporation to use to have a real-time internet enabled monitoring and management method and allows users to manage and dynamically use such monitored values under different environments.

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As per Claim 2, 13.

wherein said user interface manager communicates with said applet using data packets compatible with an internet protocol (at least col. 4, lines 46-60).

As per Claim 3, 14.

wherein said user interface manager also supports a local user interface associated with said monitor and control system (monitoring station presenting in graphical data) (at least col. 7, lines 35-62).

As per Claim 4, 15.

wherein said user interface manager also supports a local user interface that includes a touchpad input mechanism for user interaction with the power system (keying in IP address(at least col. 7, lines 19-34; Fig. 1).

As per Claim 5, 16.

further wherein said user interface manager generates at least one display screen containing both static and dynamic content (real-time graphical data) (at least col. 7 line 35 - col. 8 lines 9).

As per Claim 6, 17.

wherein said dynamic content represents said state information (energy usage information) (at least col. 8, lines 21-31).

As per Claim 7, 18.

wherein said user interface manager generates at a plurality of display screens, at least a portion of which contain dynamic content representing said state information, and wherein at least one of said applet and said user interface manager generates

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hyperlinks connecting said dynamic content with other display screens (energy usage information aggregated from multiple locations) (at least Fig. 1; col. 7 line 35 - col. 8 line 9).

As per Claim 8, 19.

wherein said monitor and control system includes a rectifier monitor and control module for obtaining operating state information from at least one of said rectifier subsystems (at least col. 4, lines 2-21; col. 6, lines 17-35).

As per Claim 9, 20.

wherein said monitor and control system includes a reserve monitor and control module for obtaining operating state information from batteries attached to said power system (ups) (at least col. 4, lines 2-21; col. 6, lines 17-35).

As per Claim 10, 21.

wherein said monitor and control system includes a distribution monitor and control module for obtaining operating state information from said power distribution subsystem (at least col. 4, lines 2-21; col. 6, lines 17-35).

As per Claim 11, 22.

wherein said remote browser application is an internet web browser application (at least col. 7 line 64 - col. 8 line 9).

As per Claim 12, Collins discloses a remote user interface system to enable a remote browser application to monitor and control a power system, wherein Collins discloses:

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a monitor and control system coupled to said power system for obtaining operating state information about said power supply system and for providing operating state information to said power system (monitoring station) (at least col. 7, lines 19-34);

a data storage system associated with said monitor and control system for storing said state information (database) (at least Fig. 3); and

a user interface manager capable of accessing said data storage system and being operative to provide an applet to said remote browser application, the applet generating a user interface within said browser application for monitoring said power system (internet browser interface) (at least col. 7 line 64 - col. 8 line 9),

wherein said remote browser displays adjustable static state information within said user interface when dynamic state information that is affected by said static state information is selected in response to said user interaction (eg. real-time graphical data) (at least col. 7 line 35 - col. 8 lines 31).

Collins fails to disclose, explicitly, the use of an executable applet to carry out the functions of the present invention including adjusting settings and thresholds of at least one of said subsystems. However, the use and advantages for using such an applet is well known to one skilled in the art at the time the invention was made as evidenced by the teachings of Fowler. Fowler discloses the use of Java for processing real time environmental conditions as well as users managing such systems via setting parameters and thresholds using an web-page interface (at least col. 7, lines 7-25; col. 10, lines 50-59; col. 13, lines 50-64; col. 14, lines 28-38; col. 15, lines 43-54; col. 16, lines 57-64). Therefore, it would have been obvious to one of ordinary skill in the art at



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the time the invention was made to incorporate the use of an executable applet such as Java for adjusting settings and thresholds within Collins' browser as this is a standard and commonly known application for a corporation to use to have a real-time internet enabled monitoring and management method and allows users to manage and dynamically use such monitored values under different environments.

As per Claim 23, Collins discloses a method of controlling a telecommunications power system, as Collins discloses;

delivering an applet to a browser application running on a computer that communicates with said telecommunications power system via a network (at least col. 7, lines 19-34; Fig. 1);

using a processor powered by said telecommunications power system to obtain operating state information about said telecommunications power system (at least col. 7, lines 35-63; Fig. 1);

communicating said state information to said applet via said network (data presented by database presented in graphical or tabular form) (at least col. 7, lines 35-63);

sending control information generated by said applet to said processor via said network (controlling generator over network) (at least col. 2, lines 37-52); and

displaying adjustable static state information within said browser application when dynamic state information that is affected by said static state information is selected via said applet (eg. real-time graphical data) (at least col. 7 line 35 - col. 8 lines 31).

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Collins fails to disclose, explicitly, the use of an executable applet to carry out the functions of the present invention including adjusting settings and thresholds of at least one of said subsystems. However, the use and advantages for using such an applet is well known to one skilled in the art at the time the invention was made as evidenced by the teachings of Fowler. Fowler discloses the use of Java for processing real time environmental conditions as well as users managing such systems via setting parameters and thresholds using an web-page interface (at least col. 7, lines 7-25; col. 10, lines 50-59; col. 13, lines 50-64; col. 14, lines 28-38; col. 15, lines 43-54; col. 16, lines 57-64). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of an executable applet such as Java for adjusting settings and thresholds within Collins' browser as this is a standard and commonly known application for a corporation to use to have a real-time internet enabled monitoring and management method and allows users to manage and dynamically use such monitored values under different environments.

As per Claim 24.

using said processor to store said state information in a database administered by said processor (database) (at least Fig. 3).

As per Claim 25.

using said processor to store said control information in a database administered by said processor (database engine) (at least col. 8, lines 32-48; Fig. 3).

As per Claim 26.

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generating a user interface display within said browser application that includes said state information (monitoring station presenting in graphical data form in browser) (at least col. 7, lines 35-62).

As per Claim 27.

generating a user interface display within said browser application that includes static information and dynamic information, the dynamic information being based on said state information (real-time graphical data) (at least col. 7 line 35 - col. 8 lines 9).

As per Claim 28.

wherein said applet generates a plurality of display screens in which at least a portion of said dynamic information on one of said display screens defines a hyperlink relationship with another of said display screens (energy usage information aggregated from multiple locations) (at least Fig. 1; col. 7 line 35 - col. 8 line 9).

### ***Response to Arguments***

5. Applicant's arguments filed 19 July 2005 have been fully considered but they are not persuasive. Applicants argue, substantially, that Collins does not teach adjusting settings and thresholds of either the generator or the energy monitoring devices; and that Fowler, similarly, does not teach adjusting settings and thresholds of either the generator or the energy monitoring devices.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208

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USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In this case, Collins is not relied on for teaching adjusting settings and thresholds of either the generator or the energy monitoring devices. Rather, Fowler is relied on, substantially, for teaching such limitations.

Fowler, as previously cited, teaches the use of Java for processing real time environmental conditions as well as users managing such systems via setting parameters and thresholds using a web-page interface (at least col. 7, lines 7-25; col. 10, lines 50-59; col. 13, lines 50-64; col. 14, lines 28-38; col. 15, lines 43-54; col. 16, lines 57-64). Claim 1, for example, of the current invention teaches in part a), an applet for use in monitoring and adjusting settings and thresholds of a system and goes on in part c), to teach the user adjusting the settings and parameters in response to such monitored conditions.

As Applicant agrees, Fowler teaches sensors monitoring equipment and networks (in addition to computer networks and equipment) and allows remote users to view current parameters and adjust allowable ranges for the parameters, see pages 12-13 of Applicant remarks. Fowler further teaches the system and network can be managed and configured and adjusted accordingly; for example, allowing auxiliary AC units to be set to turn on when temperature reaches a limit or parameter (see col. 14 line 56 - col. 15 line 6; col. 16, lines 1-26). Fowler also teaches bots being configured and maintained via the internet, such configuration being done by an administrator of such a system (see col. 8, lines 1-12, 58-67). While Applicant argues Fowler teaches monitoring and controlling sensors of the room and not the physical room themselves, it

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is inherent that in Applicants invention, the state information being monitored and gathered is coming from some kind of sensor on the subsystem itself. Thus, as Collins clearly teaches monitoring of such systems and subsystems for use in gathering energy information and giving some control over such systems (such as turning the generator on, as Applicant admits on page 3), it would be obvious and is well known in the art, to allow more control over such systems remotely, as Fowler teaches in detail of such management and remote configuration, as cited above.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Newly cited Loucks et al, Blackett et al, and Ugerud et al, in addition to previously cited Giorgio, Poth, Sneeringer, Motoyama et al, Yablonowski et al, Hart, Fitzgerald, Montgomerie et al, McNamara et al, Wookey, and Budike, Jr. are cited for disclosing pertinent information related to the claimed invention. Applicants are requested to consider the prior art reference for relevant teachings when responding to this office action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory G. Todd whose telephone number is (571)272-4011. The examiner can normally be reached on Monday - Friday 9:00am-6:00pm w/ first Fridays off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571)272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gregory Todd



Patent Examiner

Technology Center 2100

  
A. Saloo  
Primary Examiner